

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

ABBVIE INC. et al.,)	
)	CASE NO. 2:24-CV-00298
Plaintiffs,)	
)	
vs.)	JUDGE: William S. Stickman, IV
)	
JOHN B. MCCUSKEY, in his official)	
capacity as the West Virginia Attorney)	CHANGE, INC'S MEMORANDUM
General; et al.)	IN SUPPORT OF MOTION TO
)	JOIN IN DEFENDANT'S MOTION
Defendant.)	TO STAY DISCOVERY AND FOR
)	PROTECTIVE ORDER
)	

Comes Now, CHANGE, INC. by and through its undersigned counsel, and respectfully moves to join in Defendant's request to stay discovery in this case, and for a protective order to preclude enforcement of the subpoenas issued by AbbVie to CHANGE, INC., a third-party contract pharmacy and covered entity. The Court should stay discovery pending resolution of the appeal pending in the Fourth Circuit. The Court should also issue a protective order staying the return dates for the subpoenas until after the Court has ruled on the pending Motion to Consolidate and has entered a scheduling order in this case after remand from the Fourth Circuit. Alternatively, the Court should Order that the return date of the subpoena be after the entry of a Protective Order in this matter, protecting the confidentiality of the information requested in the subpoena.

I. BACKGROUND

Per the Defendant, in two of the related cases, the Court has granted the parties' joint motions to hold the case in abeyance pending the Fourth Circuit's decision. *Novartis*, 2:24-cv-272 (DN 75); *AstraZeneca*, 2:24-cv-290 (DN 43). In all of the related cases, there is a pending motion to consolidate in which the Defendants have asked this Court to consolidate these actions for purposes of discovery, motion to practice and trial to avoid piecemeal and duplicative litigation after remand from the Fourth Circuit. *Novartis*, 2:24-cv-272 (DN58); *AstraZeneca*, 2:24-cv-290 (DN 29); *AbbVie*, 2:24-cv-298 (DN 44); *PhRMA*, 2:24-cv-271 (DN 60)/ Although there is no formal stay order in the PhRMA case, 2:23-cv-271, the parties have effectively acted as if a stay is in place in that case until the Fourth Circuit rules on the pending appeal from this Court's December 17, 2024 Memorandum Opinions and Orders granting AbbVie, Novartis, and PhRMA's motion for preliminary injunction.

II. THE COURT SHOULD STAY DISCOVERY

The Defendants have agreed that there is no need for discovery to move forward in this case at this time, and no basis for discovery to move forward in this case only prior to the Court ruling on the pending motions to consolidate. The nature, scope, and extent of any discovery necessary in this case will be determined by the Fourth Circuit's decision in this case. Once that decision is made, the Defendants have asked that this Court to implement a consolidated discovery plan (if necessary) that will avoid the kind of piecemeal discovery in which AbbVie now seeks to engage.

Furthermore, much of the requested information contained in the subpoena to CHANGE, INC. is proprietary information subject to confidentiality provisions from third-parties.

The information cannot be obtained by CHANGE, INC. without permission from the third-parties. To-date, none of these pharmacies have waived their confidentiality provisions in their contracts authorizing CHANGE, INC. to disclose their proprietary information. Since no protective order has been entered protecting CHANGE, INC. from disclosure of proprietary information, the subpoena should be stayed at least until the Court rules on Defendant's Motion and/or a protective order is in place.

Respectfully submitted,

CHANGE, INC.,



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PROOF OF SERVICE

I hereby certify that on the 26th day of June, 2025, I electronically filed the foregoing via the Court's electronic filing system, which will serve all counsel of record.



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